UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/2000/150
25 February 2000

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1277 (1999) of 30 November 1999, by which the Council decided to continue the United Nations Civilian Police Mission in Haiti (MIPONUH) in order to ensure a phased transition to an International Civilian Support Mission in Haiti (MICAH) by 15 March 2000. In that resolution the Council requested me to coordinate and expedite the transition from MIPONUH and the International Civilian Mission in Haiti (MICIVIH) to MICAH and to report to it on the implementation of the resolution by 1 March 2000. This report covers the activities of MIPONUH and developments in the mission area since my report of 18 November 1999 (S/1999/1184).

2. As members of the Security Council will recall, the establishment of MICAH was approved by the General Assembly in its resolution 54/193 of 17 December 1999 to consolidate the results achieved by MIPONUH and MICIVIH and previous United Nations missions. The transition process to the new mission is being coordinated by my Representative in Haiti and Head of MIPONUH, Alfredo Lopes Cabral, on the basis of continuing consultations with the Haitian authorities, the Executive Director of MICIVIH, Colin Granderson, and with the group of Friends of the Secretary-General for Haiti, namely Argentina, Canada, Chile, France, the United States of America and Venezuela.

II. POLITICAL SITUATION AND ELECTIONS

3. During the reporting period, the security situation in Haiti was characterized by frequent demonstrations and by incidents of violence and robbery. At Jérémie, on 10 December, seven houses were destroyed by arson, allegedly election-related. On 11 January, an agitated crowd attacked with rocks the police station of Fort Liberté to demand the release of a murder suspect so that they could lynch him. The disorders escalated and a 14-year-old boy was killed. It was not possible to ascertain the origin of the shooting. On 17 February the residence of a United Nations civilian police officer was robbed at gun point by six individuals, and the officer was slightly injured.

4. The period from mid-November to early December 1999 was marked by the expulsion of more than 20,000 migrant workers of Haitian nationality or descent from the Dominican Republic. The situation stirred up public sentiment and led to some calls for a boycott of Dominican products and the restoration of the Haitian armed forces. Negotiations between the Haitian and Dominican Foreign Ministers led to the signature on 2 December 1999 of an accord providing, inter alia, for the humane treatment of repatriates and requiring the Government of the Dominican Republic to give advance notification of any future expulsion plans to their Haitian counterparts.

5. Since my previous report, the political climate in Haiti has been dominated by pre-electoral activities. Despite some election-related disturbances, and organizational problems and delays, the Provisional Electoral Council (CEP) has so far proceeded with the implementation of its electoral timetable. It is hoped that this process will culminate in the holding of legislative and local elections as scheduled on 19 March 2000.

6. The process of registration of political candidates was initially scheduled to last from 15 November to 10 December. As the process was slow at the start, with no candidates for national office forthcoming during the first two weeks of the registration campaign, CEP extended the deadline by two days, which prompted a surge in the number of registrations.

7. The majority of political parties and alliances, including Fanmi Lavalas, Organisation du peuple en lutte (OPL), Pati Louvri Baryè (PLB), Espace de concertation and Mouvement patriotique pour le sauvetage national (MPSN), have confirmed that the registration of their candidates was concluded on 12 December 1999. The political class and civil society participated broadly in the registration process. According to CEP, over 29,000 candidates belonging to a large number of parties, political groupings and independents, competing for more than 5,000 national and local seats, have registered.

8. Fanmi Lavalas held its party congress from 14 to 16 December 1999 and used the occasion to present a new party platform spelled out in a white paper (livre blanc). On the opening day, the Fanmi Lavalas guest list included politicians and members of the private sector of widely diverging political convictions. Former President Jean-Bertrand Aristide pleaded for dialogue, respect and tolerance during the time remaining before the elections.

9. President René Préval expressed support for the Lavalas movement, eliciting criticism from opposition politicians. They claimed that the congress intertwined party and government business and accused the Lavalas supporters of having illegally obtained access to public vehicles.

10. The opening ceremony of the Provisional Electoral Council's civic education campaign was marred in October by protests by supporters of former President Aristide, and the campaign has not been launched since despite repeated calls by the opposition parties. The Council's controversial decision to award a contract for the printing of ballot papers to a local company caused the cancelling of financial commitments to this element of the electoral process by the European Union, which had voiced reservations about the integrity of the

competitive bidding process. The printing of ballot papers was eventually financed through government funds.

11. On 4 January 2000, CEP held a conference with the political parties to obtain their commitment to an electoral code of ethics binding them to pursue their electoral objectives by non-violent means. Numerous parties including Fanmi Lavalas signed the code. Espace de concertation also signed at a later date, after obtaining amendments to the text. Other parties, among them OPL, the Mouvement catholique pour une nouvelle Haïti (MOCHRENA) and MPSN have not signed so far.

12. The voter registration campaign was launched on 24 January 2000. However, registration started late in areas where there was electoral violence. Popular organizations have been protesting about the insufficient number of registration bureaux. Following the protests, as well as requests from political parties and President Préval, CEP indicated that it would endeavour to establish more than the originally foreseen 3,500 registration bureaux throughout the country. Despite the slow start and the insufficient number of bureaux, CEP has announced that more than 3 million voters had registered by 14 February 2000. These figures were called into question by other observers. Irregularities in the registration process occurred at Saint Louis du Sud, where a number of people managed to obtain more than one electoral card. Frauds and irregularities were also reported at Jacmel, Hinche and La Gonâve.

13. A number of logistical problems caused delays in the registration process. Shortages of registration materials and photographic equipment to issue picture identification cards occurred. Registration and identification card forms were frequently unavailable in sufficient number because of transport and storage problems. In some cases, electoral material was vandalized or stolen. Furthermore, budgetary pressures on CEP led to complaints among some electoral workers about their salary levels. CEP has announced that, to accommodate those voters who were unable to obtain their electoral identification cards in the early stage of the registration period, the registration campaign deadline will be extended by nearly two weeks, until 3 March 2000.

14. The blocking of the electoral registration process at Anse d'Hainault is cause for concern. Late in December 1999, the name of the former mayor of the town, George Simon of the ESKANP (Espas Solidarité Kan Popilè) party, was taken off the ballot on the ground that, against the electoral law, he had started the electoral campaign prematurely. Subsequently, he and a number of his political associates entered the local communal electoral bureau, firing rifles in protest and wounding at least one bystander.

15. Representatives of ESKANP and Kowòdisyon Resistans Grandans (KOREGA) argued that electoral officials at Anse d'Hainault and elsewhere in the Grande-Anse area had been partial in their handling of electoral matters and should therefore be removed from office. Members of the communal electoral bureau, for their part, called for the arrest of the former mayor and voiced concerns for their security. Arson at the Grande-Anse electoral registration bureaux of Beaumont, Dame-Marie and Petit-Goâve on 22 and 23 January 2000, and the looting of the house of KOREGA members in Anse d'Hainault further aggravated the climate

of tension and discord between electoral officials and some of the political parties.

16. On 11 January 2000, CEP reinstated Mr. Simon as a candidate. As the critics of CEP remained firm and demanded personnel changes in the Grande-Anse electoral establishment, the CEP President, Léon Manus, indicated on 7 February that CEP would consider making personnel changes in the departmental electoral bureau. This statement was then retracted, and no change has been made so far. Tension remains high in the Grande-Anse area and, despite meetings between Espace de concertation, ESKANP and KOREGA to discuss ways to restart the electoral registration process in Anse d'Hainault, the local communal electoral bureau has not reopened so far.

III. DEPLOYMENT AND OPERATIONS OF THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI

17. The Security Council mandated at the outset of MIPONUH that it should be composed of up to 300 civilian police officers, including a 90-strong special police unit, along with the necessary support personnel. On 21 February 2000, the civilian police element comprised 219 officers from 10 countries (see annex). In accordance with its mandate, MIPONUH has continued to deploy its civilian police element throughout Haiti's nine departments, while the special police unit has remained in Port-au-Prince. The unit has continued to provide security for Mission personnel and property on a 24-hour basis.

18. In the area of training, MIPONUH had already attained the objectives established for the Mission by the Director-General of the Haitian National Police in November 1999. The curriculum of training courses designed by MIPONUH in cooperation with the police has thus been taught comprehensively. During the reporting period, MIPONUH continued to provide additional courses, in particular in the areas of border police operations, crowd control and first aid. The emphasis has remained on the training of trainers.

19. Civilian police officers have continued to discharge their mentoring (accompagnement) responsibilities at the Offices of the Director-General and Inspector-General of the Haitian National Police, as well as alongside the departmental directors of the police force. The emphasis has remained on community policing, the maintenance of law and order, the fight against capital crimes and drug trafficking, and the reinforcing of police administration and logistics.

20. Training for National Police crowd-control units (Compagnies d'intervention et de maintien de l'ordre) has similarly continued. Such training ended on 25 February 2000 with the completion by 46 National Police officers of a crowd-control course. The Haitian National Police has prepared and implemented a security master plan for the elections and is now believed to be in a position to meet the majority of public security challenges effectively.

21. MIPONUH has continued its cooperation with bilateral programmes for police training, such as the ones sponsored by Canada, France and the United States of

America. Cooperation with MICIVIH has also continued and included a seminar on human rights for senior police officers in the Département du Nord.

22. A disengagement plan has been established to ensure the progressive withdrawal of MIPONUH civilian police personnel. The special police unit is scheduled to be withdrawn on 16 March (see also para. 43 below).

IV. HAITIAN NATIONAL POLICE

23. In my previous report (S/1999/1184, paras. 17, 18 and 22), I outlined some of the problems faced by the Haitian National Police as a result of the resignation of the Secretary of State for Public Security, the assassination of former army colonel Jean Lamy, who had been a consultant to the Director-General of the Haitian National Police, the assassination attempt against the Director of the police judiciaire, as well as various other acts of aggression against members of the police service. During the reporting period, the situation improved, both with regard to morale and the attained results.

24. In 1999, 20 police officers were killed, the majority of them during the exercise of their functions. However, the number of capital crimes against police officers has declined considerably since November 1999. The number of police officers accused of human rights violations and other instances of inappropriate or criminal conduct has also been on the decline for several months.

25. While the security situation in Haiti remains of concern, the police force has been able to work with increased efficiency in recent months. Since December 1999, command structures have been reorganized and the terms of reference for senior-level posts have been revised; 46 additional officers for crowd-control units have been deployed and 85 new vehicles have been added to the fleet. Of those 85 vehicles, 50 were funded by the Government and 35 by the United Nations Development Programme (UNDP) through a donation by the Government of Japan. As a result, the Haitian National Police was able to undertake several successful operations in the fight against delinquency and drug trafficking and, in most cases, to provide adequate security during election-related events.

26. Over the past five years, with the assistance of the international community, the Government of Haiti has given priority to the institutional development of its national police force, with increasingly positive results in the areas of organization, effectiveness and credibility. Further progress in the professionalization of the force can be achieved only in the context of an integrated effort at institutional development addressing the reform of the justice sector as a whole. The assistance foreseen under MICAH is expected to consolidate and further expand the results already achieved by MIPONUH in this regard.

27. During a recent interview in Miami, President Préval questioned the qualifications of the Director-General of the Haitian National Police. The President's statement, which prompted criticism by political parties, has been

interpreted as an attempt to gain more control over the activities of the police force.

V. ACTIVITIES IN THE AREA OF HUMAN RIGHTS

28. In the context of the transition to MICAH, MIPONUH and MICIVIH have held a series of coordination meetings with a view to harmonizing their respective activities and preparing the transition.

29. During the reporting period, MICIVIH has continued to discharge a wide range of institution-building activities. At the request of the Director-General of the Haitian National Police, the Mission is conducting courses at all the regional centres, in order to promote police impartiality and respect for human rights during the electoral process. MICIVIH has also continued its contribution to the training of recruits at the police training school, with a special focus on respect for the rights of women and children.

30. MICIVIH has also continued to provide legal assistance to the prison administration and to participate in the meetings of the working groups of Haitian and international experts set up last year by the Minister of Justice to get the judicial reform process under way. MICIVIH continues to provide support for the work of the Office of the Ombudsman and to lecture at the Magistrates School on respect for international human rights standards in the application of the law in Haiti.

VI. JUSTICE SYSTEM

31. During the month of February, meetings were conducted by the Prime Minister and the Minister of Justice with my Representative, the UNDP representative and bilateral donors to prepare the assistance to judicial reform in the context of MICAH. These initiatives suggest that the Government of Haiti is committed to the reform of the justice system and to ensuring effective coordination among all the actors in this sector. My Representative continues to liaise with bilateral donors with a view to ensuring better coordination of the international community's interventions in the justice sector.

32. The eight joint working groups composed of Haitian officials and international experts established last year by the Minister of Justice (see S/1999/1184, para. 24) have continued to work on the drafting of legal texts with a view to promoting the judicial reform process.

33. The Port-au-Prince Government Prosecutor (Commissaire du Gouvernement) Florence Matthieu, was dismissed by the Minister of Justice on 10 February 2000 for alleged serious professional mistakes (fautes administratives graves). The Minister indicated that the Prosecutor had illegally ordered the release of two former police officers and a civilian involved in drug trafficking. The suspects, whose cases are still under review by an examining magistrate (juge d'instruction), had been detained since 1998. Prosecutor Matthieu has rejected all the accusations of impropriety made against her by the Minister and some

human rights organizations have criticized the Minister's decision. A new Prosecutor has now been nominated by the Government.

34. It will be recalled that a former general of the Haitian armed forces, Claude Raymond, who was arrested in July 1996 and accused of conspiring against the State, had been held in pre-trial detention since then, despite court orders to release him. General Raymond died in a Port-au-Prince hospital on 9 February 2000. This case, as well as that of the two former police officers mentioned in paragraph 33 above, have once again underlined the need to address the issue of prolonged pre-trial detention and the non-execution of judicial release orders.

35. In December 1999, jury trials were held in several jurisdictions in the country after a long period of interruption, thereby suggesting an increased commitment by the authorities to restoring the credibility and confidence of the people in the judicial system.

VII. DEVELOPMENT ACTIVITIES

36. The United Nations system has kept up its efforts to implement the Secretary-General's reform programme. The first steps towards the implementation of Economic and Social Council resolution 1999/11 of 27 July 1999 were taken during the previous reporting period with the establishment of a common country assessment orientation committee.

37. During the past three months, under the guidance of the orientation committee, jointly headed by the Prime Minister and the United Nations Resident Coordinator, 17 thematic groups composed of representatives from the Government, United Nations agencies, donor agencies and civil society have made progress in the preparation of the common country assessment. The final common country assessment document is expected to be completed before the elections in March/April 2000. The results of the assessment should provide the basis for the formulation of a long-term national programme of development, the formulation of the United Nations Development Assistance Framework and the revival of policy dialogue and sectoral planning mechanisms once a new parliament and government are in place.

38. The Resident Coordinator's report for 1999 was issued on 31 January 2000. The report outlined the major achievements of the United Nations system during the year, in particular in the areas of poverty eradication, institution strengthening, HIV/AIDS prevention, gender equality and coordination with the United Nations country team in the Dominican Republic.

39. UNDP has continued to support development cooperation efforts aimed at launching a joint project with the Government of Norway to conduct a survey of living conditions, providing technical support to the Provisional Electoral Council, particularly in the regions, and assisting in the procurement of the electoral kits.

40. Other development activities of the United Nations system have included the launching of a United Nations Capital Development Fund programme to strengthen

governance for the environment; the organization by the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights and MICIVIH of a national workshop for the preparation of the first report on the implementation of the Convention on the Rights of the Child; the supporting by UNICEF of the national commission on girls' education for the organization of a national symposium; the supporting by the World Health Organization (WHO/PAHO) of a national vaccination campaign for 300,000 children; the continuation and enhancement by the World Food Programme of its health and nutrition project; and the continuation of the socio-urban development activities in Port-au-Prince of the United Nations Educational, Scientific and Cultural Organization (UNESCO). UNESCO, in the framework both of the forthcoming elections and the International Year for the Culture of Peace, also called on the candidates to sign the Manifeste 2000 for the Culture of Peace. Furthermore, the International Organization for Migration provided support to the National Office for Migration in facilitating the mass repatriation of the thousands of Haitians expelled by the authorities of the Dominican Republic during the last three months.

VIII. FINANCIAL ASPECTS

41. By its resolution 53/222 B of 8 June 1999, the General Assembly appropriated an amount of $18,641,616 gross for the maintenance of MIPONUH until 30 November 1999 and its liquidation thereafter. The mandate of the Mission was subsequently extended to 15 March 2000 and, in the light of that decision, I obtained a commitment authority from the Advisory Committee on Administrative and Budgetary Questions in the amount of $2.2 million for the extension.

42. As at 31 January 2000, unpaid assessed contributions to the Special Account for MIPONUH amounted to $23 million. The total of the outstanding assessed contributions for all peacekeeping operations at that date was $2.1 billion.

IX. LIQUIDATION OF THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI AND TRANSITION TO THE INTERNATIONAL CIVILIAN SUPPORT MISSION IN HAITI

43. A task force was first established in 1999 to plan the orderly withdrawal and liquidation of MIPONUH. By early February 2000, the withdrawal plans for the Mission's civilian police personnel were finalized and their repatriation is expected to be concluded by 15 March. The Mission has earmarked some assets to be retained in MICAH. The liquidation phase is expected to be completed by 30 June 2000.

44. As regards MICAH, the recruitment of police advisors for the new mission is under way. The need to place the advisors with senior-level officials of the Haitian National Police has constituted an integral part of the strategic plan for the police since 1996. The advisers are expected to provide continued training and mentoring support to National Police decision makers, who still do not have all the necessary experience to command and administer their young police force.

45. Concerning the new mission, the Secretariat has identified and recommended candidates for the majority of the positions to be financed under the regular budget. These positions will need to be complemented by personnel that will be financed by extrabudgetary means. While a number of suitable candidates have already been identified for the latter positions, and although these candidates would be ready for deployment in the early stages of the new mission, their recruitment remains subject to the actual receipt of funds pledged by Member States.

X. OBSERVATIONS

46. The restoration and consolidation of democracy have been the overarching goals of all the United Nations missions in Haiti. However, the consolidation of democratic institutions can be accomplished only in a climate of tolerance and if all the actors continue to work peacefully together to carry out free and fair legislative elections and to restore the legislative branch without further delay. All political leaders, therefore, have an obligation to comply with the code of conduct established by the Provisional Electoral Council and to ensure that they and their supporters refrain from any violence, intimidation or any other act that could still put the holding and the fairness of the elections at risk.

47. Notwithstanding the political pressures that followed the resignation of the Secretary of State for Public Security, it appears that the Haitian National Police has maintained its impartiality and played a vital role in ensuring security during the electoral registration process. National Police officers have made their presence felt in electoral offices throughout the country, escorted electoral officials and candidates and guarded the transport and storage of electoral materials. Despite some coordination problems between the Haitian National Police and the Provisional Electoral Council, the overall record over the last three months has indeed been encouraging.

48. The evolution of the electoral process during the period under review is encouraging. Despite numerous obstacles, the Provisional Electoral Council and its electoral workers have made successful efforts to register candidates and voters, prepare and distribute election-related materials, set up and expand registration facilities, and finalize the electoral code of ethics. While deep concern had been expressed in the past that another postponement of the legislative elections would further erode the confidence of the Haitian people in the electoral process, the joint efforts of the Haitian political leaders, the Provisional Electoral Council and the international community have helped to create conditions for meeting the electoral deadline of 19 March 2000.

49. By deciding to establish MICAH, the international community has confirmed that it is committed to continuing to assist the Government of Haiti in the reinforcement of the country's democratic institutions. The new mission is expected to consolidate and develop the results already achieved by MIPONUH and MICIVIH as regards respect for human rights and reinforcement of the institutional effectiveness of the police and the judiciary, and to coordinate and facilitate the international community's dialogue with political and social actors in Haiti. Subject to the availability of resources, the Mission's relatively short-term objectives will be situated in the longer-term perspective

of facilitating the passage from security to development priorities, in line with the recommendations of the Economic and Social Council.

50. Taking into account the views expressed by the Government of Haiti, as well as the recommendations of the Economic and Social Council and the General Assembly, I appeal to Member States to continue to assist in this transition from peacekeeping to peace-building and to contribute to the Trust Fund that has been established for MICAH. That Trust Fund will allow for the recruitment of over 100 advisers in the areas of police, justice and human rights. It will also provide for a minimum of complementary material assistance needed by those advisers and their counterparts in the Haitian National Police, the Ministry of Justice, the Magistrates School, the courts, the prison system and the Office of the Ombudsman.

51. Institutional, social and economic development must be addressed in an integrated manner in order to consolidate democracy and peace. Once Haiti has fully restored its system of government through transparent, fair and credible elections and put in place an elected legislature, the internation l community should respond generously to the country's need for financial support so as to address its serious economic and financial situation and help the new authorities that will emerge from the elections to focus on the fundamental questions of poverty alleviation and social and economic development.

52. Since its inception, MIPONUH has enjoyed the cooperation of the Government and received the support of the Haitian people in its task of professionalizing the Haitian National Police as a cornerstone of Haiti's democracy. I trust that this support will be extended to the new mission as well, once it has been fully established.

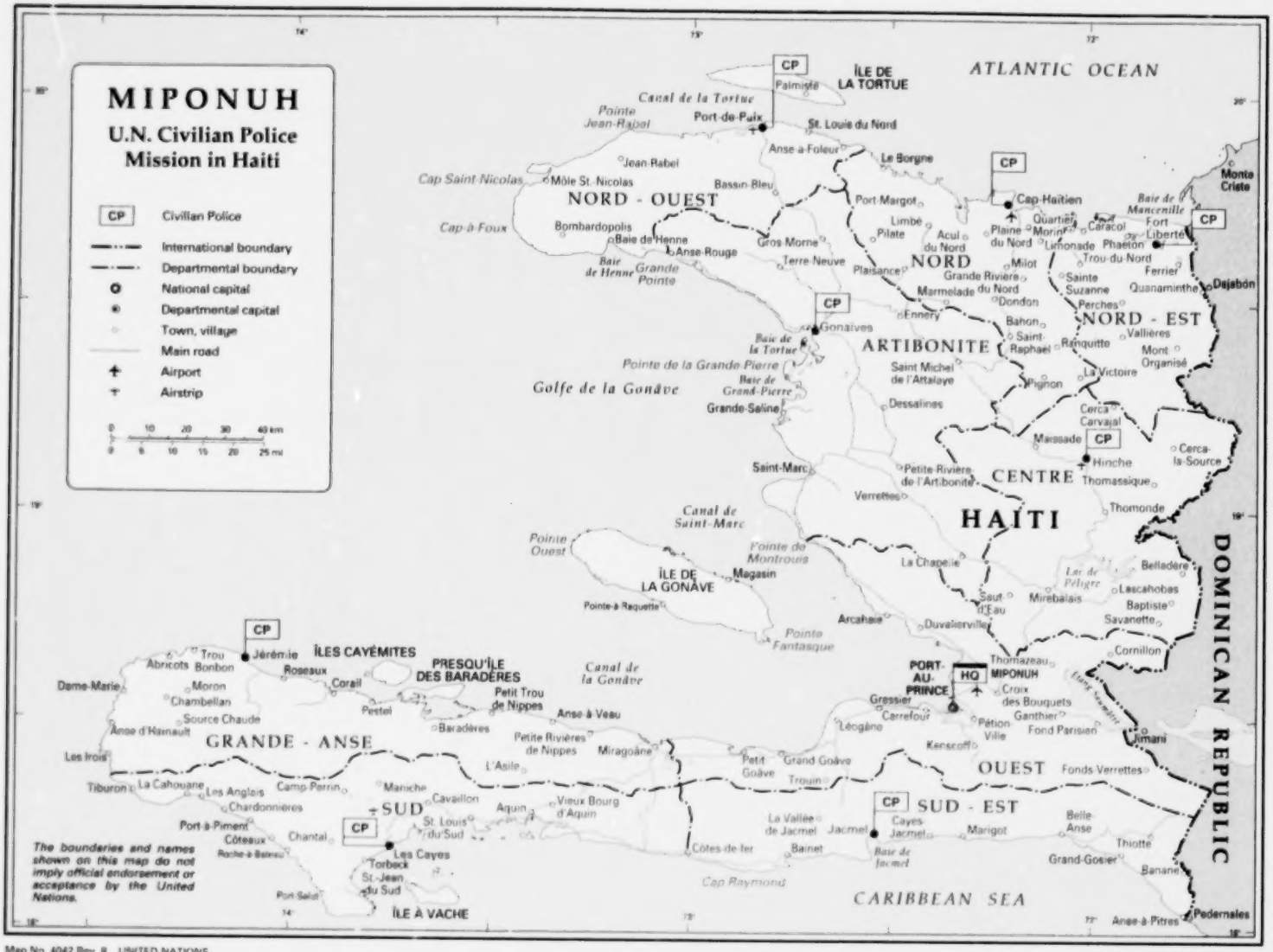
53. Through its presence and active role in Haiti, MIPONUH, and other United Nations peacekeeping missions before it, have provided the people and Government of Haiti with the stability they required during a period of crisis which was having a destabilizing effect on the country's fledgling democracy and threatened to unravel any prospects of developing its economy and society. The consistent backing of the international community, as well as the positive influence of those missions, were essential for the development of democratic institutions and fostering peace, stability and development. Important challenges still lie ahead for Haiti. Accordingly, as the United Nations withdraws its civilian police mission from the country, the Government of Haiti should do its utmost to build on the gains made during the previous missions' presence. It is up to the people and leaders of Haiti to establish an effective and constructive dialogue to enable the country to consolidate what has been achieved so far and to work resolutely towards genuine democracy and economic recovery.

54. As the mandate of MIPONUH comes to an end, I should like to commend my Representative and Head of MIPONUH, the Deputy Representative and the Police Commissioner, as well as the international and local staff of MIPONUH and the Executive Director of MICIVIH and his staff, for their continued efforts in support of United Nations activities in Haiti. I would also like to take this opportunity to once again place on record the valuable contribution of the Friends of Haiti to this Mission.

Annex

Composition of the United Nations Civilian Police Mission in Haiti as at 21 February 2000

Country	Special police unit	Civilian police
Argentina	110	-
Benin	-	5
Canada	-	17
France	-	30
Mali	-	15
Niger	-	3
Senegal	-	6
Togo	-	7
Tunisia	-	3
United States of America	-	23
Subtotal	110	109
Total	**219**	



Map No. 4042 Rev. 8 UNITED NATIONS
March 2000

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